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1 **A. I recognize what it is. I don't**  
2 **recognize this particular piece of**  
3 **paper.**  
4 **Q. Do you know who prepared this document?**  
5 **A. It could have been one of a few people.**  
6 **Q. Do you know why this document was**  
7 **prepared?**  
8 **A. Somebody requested it.**  
9 **Q. Did you request it?**  
10 **A. Possibly. I have at one time or**  
11 **another. I don't know if this is a**  
12 **document that requested it.**  
13 **Q. Do you know when this document was**  
14 **prepared?**  
15 **A. It was after December 16, '03. It's**  
16 **hard to tell you.**  
17 **Q. I see in the middle of this -- near the**  
18 **middle of this document there's a number**  
19 **5 with a number 8,000 next to it and a**  
20 **list of dates, the last of which is 05**  
21 **June 2004?**  
22 **A. Uh-huh.**  
23 **Q. Does that indicate to you that this**  
24 **document was prepared sometime after**

1 **information on them.**  
2 **Q. I'm interesting in knowing how many**  
3 **documents similar to this you have seen.**  
4 **Have you seen five? Have you seen ten?**  
5 **A. Probably.**  
6 **Q. Probably five or probably ten?**  
7 **A. Either or.**  
8 **Q. This appears to be a listing of dates**  
9 **when flywheel housings were replaced on**  
10 **various Trans-Spec trucks; is that**  
11 **correct?**  
12 **A. Yes.**  
13 **Q. Can you tell me which of these flywheel**  
14 **housing replacements were not paid for**  
15 **either by Caterpillar or by Southworth**  
16 **or by Sterling?**  
17 **A. I can only guess.**  
18 **Q. So the answer is that without guessing,**  
19 **you can't tell me which of the flywheel**  
20 **housing replacements listed on this**  
21 **Exhibit 7 were not paid for by**  
22 **Caterpillar or Sterling or Southworth?**  
23 **A. If you have this, you have the**  
24 **documentation that goes with it.**

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1 June 5, 2004?  
2 **A. Okay. This must just be the date I**  
3 **have. I guess, yes. It looks that way.**  
4 **Q. I don't want to be unfair. You don't**  
5 **know when this was prepared, or by whom,**  
6 **correct?**  
7 **A. I have had so many of these done up. I**  
8 **have seen so many readouts of what has**  
9 **been done and what hasn't been done.**  
10 **This is only one of them. But this**  
11 **specific piece of paper doesn't look**  
12 **familiar to me.**  
13 **Q. You are telling me you have seen**  
14 **numerous documents of this same type**  
15 **containing similar information?**  
16 **A. This tells you 8,000 was done four**  
17 **times. Is that true? I'm sure it is.**  
18 **Q. My question is are you telling me that**  
19 **you have seen documents similar to this**  
20 **on many occasions, many different**  
21 **documents, same type of information on**  
22 **them?**  
23 **A. Yes. You are interested in the piece of**  
24 **paper. I'm interested in the**

1 **Without that documentation, I can't tell**  
2 **you.**  
3 **Q. My question, though, is, can you**  
4 **identify any particular date on here**  
5 **that corresponds to a flywheel housing**  
6 **replacement that was not paid for either**  
7 **by Caterpillar or by Southworth or by**  
8 **Sterling?**  
9 **A. By date, I can basically tell you that**  
10 **most of them were not paid for by**  
11 **Caterpillar.**  
12 **Q. What about by Sterling or by Southworth?**  
13 **A. Sterling or Southworth wouldn't supply**  
14 **work to me without being reimbursed by**  
15 **Caterpillar. Caterpillar holds the**  
16 **warranty.**  
17 **Q. What about 7 December 2001, was that one**  
18 **paid for by Caterpillar or Southworth or**  
19 **Sterling?**  
20 **A. I'm sure it was. Yes.**  
21 **Q. What about the one 9 September 2002, was**  
22 **that paid for by Caterpillar or**  
23 **Southworth or Sterling?**  
24 **A. Good possibility I would say, yes. I**

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can't guarantee yes, but I would say yes.

Q. What about the 16 February 2003, was that paid for by Caterpillar or Southworth or Sterling?

A. I would think not, but I can't guarantee that.

Q. What about the 18 October 2003, was that one paid for by Caterpillar or Southworth or Sterling?

A. I can't say.

Q. What about the one for 10 September 2003, was that paid for by Caterpillar or Southworth or Sterling?

A. I can't say about any of the rest of them. I would say not, but I'm guessing.

Q. Down under number 6, number 8400, there's a date 7 November 2001. Was that one paid for by Caterpillar or Southworth or Sterling?

A. I would pretty much say yes.

Q. Then what about the next one down, 19 November 2001?

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A. I would think so again.

Q. What about the 18 March 2002 one?

A. I would say yes.

Q. As to the October 20, 2003 one, you probably don't know, correct?

A. I would say not, but again, I'm speculating. Somewhere in the middle there, they ceased to pay for it.

Q. Did there come a time after June 5 of 2004 when Caterpillar or Southworth or Sterling began to pay for flywheel housing replacements on Trans-Spec's trucks?

A. Again?

Q. Yes.

A. Yes.

Q. When was that?

A. It was after a meeting around June of 2004.

Q. Since June 2004, have either Caterpillar or Southworth or Sterling paid for all of the flywheel housing replacements on the 22 trucks involved in this case?

A. Actually, I think it was a month or two

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prior to that they started again. But yes.

Q. So sometime in May 2000, April, May, June 2004, up until the present time, the flywheel housing failures on the 22 trucks involved in this case have all been repaired at the expense of Caterpillar or Southworth or Sterling?

MS. REIMER: Objection.

Q. Is that correct?

MS. REIMER: Objection

as to form.

A. Most of it's been paid for, yes.

Q. What items have not been paid for?

A. The damage to the truck that the -- the damage the flywheel has caused.

Q. But the repair and replacement of the flywheel housing itself or of the flywheel or of the bolts that hold the flywheel housing or the dowels, that work has been done at no expense to Trans-Spec, correct?

MS. REIMER: Objection

as to form.

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A. That's been done -- yes, they did replace those items.

Q. Has Trans-Spec recently sold or agreed to sell any of the 22 trucks involved in this case?

A. Yes.

Q. Which is it? Has it agreed to sell, or has it actually sold them?

A. It has agreed to sell.

Q. Can you tell me the Trans-Spec identifying number for the trucks it has agreed to sell?

A. Sitting here right now?

Q. Yes.

A. No.

Q. How many has it agreed to sell?

A. It's agreed to sell all of them.

Q. Has it agreed to sell these trucks to more than one purchaser?

A. No.

Q. So there's one purchaser who is going to buy all 22 of them?

A. Yes.

Q. Who is that purchaser?